

Practitioner's Docket No. U015798-8

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Miguel Lancho Doncel
Serial No.: 10/536,929
Filed: October 3, 2005
For: ATTENUATION DEVICE

Confirmation No: 6577
Art Unit.: 3612
Examiner: Sterling, Amy Jo

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

TRANSMISSION

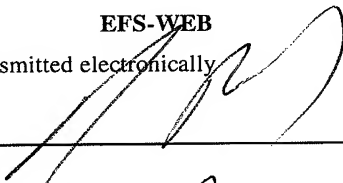
☐ transmitted by facsimile to the Patent and
Trademark Office, to (571)-273-8300

EFS-WEB

☐ transmitted electronically

Date: March 24, 2010

Signature

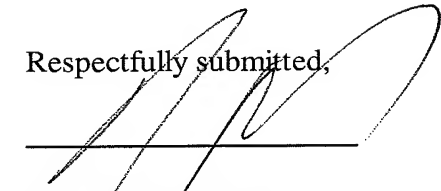


JOHN RICHARDS
(type or print name of person certifying)

- Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation. Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

The review is requested for the reason(s) stated on the Attached Sheet.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JR', is written over a horizontal line.

JOHN RICHARDS
C/O LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO. 31053
TEL. NO. (212) 708-1915

Reasons for Requesting Review

Review of the final rejection is requested in view of the difference between the applicant and the examiner as to the meaning of the word “labyrinthine” which is used in the claims to define the shape of a load path.. As noted by the applicant in the responses of October 14, 2009 and March 2, 2010, it is the applicant’s position that this term means winding. The examiner’s position is that load paths in Bakken US 4063787 meet this requirement. There is no winding in such load paths. At most they are angled in view of the shape of the materials in which the load paths may lie. Even this is unclear, however, since as pointed out in the response of March 2, 2010, it is not clear which part of Bakken’s structure the examiner equates with the surface of revolution required by the claims. If feature 20 of Bakken corresponds to the applicant’s surface of revolution, the load path between the top and bottom surfaces is linear and direct. It is only if one of the whole assembly is regarded as a surface of revolution that any portion exists that might permit an angled load path. Even then this is clearly not labyrinthine.

The applicant’s position is that nothing in Bakken can be regarded as a labyrinthine load path between the top and bottom surfaces of anything and so, whatever component of Bakken is taken to be a surface of revolution, Bakken does not anticipate the present claims.